

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JUNE 6, 2007****DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: M. MARGO WHEELER**☐ Consent ☒ Discussion**SUBJECT:**

GENERAL PLAN AMENDMENT

GPA-18776 – ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: CARLOS AVEMARIA - Request to Amend a portion of the Southwest Sector Plan of the General Plan FROM: R (RURAL DENSITY RESIDENTIAL) TO: SC (SERVICE COMMERCIAL) on 0.61 acres at 5200 Vegas Drive (APN 138-24-801-027), Ward 5 (Williams). The Planning Commission (6-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

RECOMMENDATION:

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions (Not Applicable) and Staff Report
3. Supporting Documentation
4. Justification Letter
5. Backup referenced from the 04-12-07 Planning Commission Meeting Item 21

Motion made by BRENDA J. WILLIAMS to Approve

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 1; Excused: 0

BRENDA J. WILLIAMS, LOIS TARKANIAN, LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-STEVE WOLFSON); (Excused-None)

Minutes:

MAYOR GOODMAN declared the Public Hearing open on Items 93-96.

CARLOS AVEMARIA, owner, was present.

COUNCILWOMAN WILLIAMS supported the applicant's request, with the exception of Item 96. She visited the site and disagreed with the applicant's request to not pave the back of the property; she believed the Code should be adhered to.

CITY COUNCIL MEETING OF: JUNE 6, 2007

MR. AVEMARIA explained that his main concern was a requirement to pave the street in the rear of the property. He cannot afford to pave the entire area, as it is a large piece of land. He has been at the subject property for the past three years and was not aware of any Code problems from previous owners. He also questioned why he is required to pave a street while his neighbors are not doing the same. COUNCILWOMAN WILLIAMS pointed out that the neighbor to the east of MR. AVEMARIA is located in the County and although the other neighbor to the west is located in the City, she felt that applicants should be required to abide by the Code.

After further discussion, MARGO WHEELER, Director of Planning and Development, explained and clarified for the Councilwoman that MR. AVEMARIA is concerned with Condition 5 on Item 94, regarding the half-street improvements. Staff's recommendation for denial on Item 96 was due to the waivers, specifically landscaping. She believed MR. AVEMARIA did not have any concerns with the conditions on Item 96.

After the motion for approval was made on Item 94, BART ANDERSON, Public Works, confirmed with COUNCILWOMAN WILLIAMS that Condition 5 requiring construction of the half street would remain. MAYOR GOODMAN questioned requiring MR. AVEMARIA to build a half street when on both sides of his property, there is not a half street. MR. ANDERSON explained the Title 19 requirements for such application, specifically that an applicant must dedicate and construct all public rights-of-way adjacent to the site. Staff's recommendation is for the applicant to comply with the Code; however, Council has the discretion to defer this requirement for a specified period of time. The Mayor was pleased with that option and suggested Council defer the requirement until the other streets surrounding his property are built; COUNCILWOMAN TARKANIAN concurred. MR. ANDERSON read the additional condition into the record, to which MR. AVEMARIA agreed to.

Prior to a motion made on Item 96, MS. WHEELER explained for COUNCILWOMAN WILLIAMS that if the project was approved without the waivers being granted, the applicant would be required to provide landscaping along the eastern side. MR. AVEMARIA emphasized that if landscaping is required on the eastern portion, his parking spaces for employees would then be eliminated.

At COUNCILWOMAN WILLIAMS' request, photos were shown of the site. MR. AVEMARIA added that he did not have any plans for development on the eastern side, he would simply prefer this area to remain undeveloped and continue to use it for parking. MS. WHEELER added that the applicant complies with landscaping on the southern portion of the west side, which is the developed side, as well as the front area and to the rear in the far northern portion along Marietta Avenue. With that, COUNCILWOMAN WILLIAMS supported all applications.

MAYOR GOODMAN declared the Public Hearing closed on Items 93-96.